IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 28765-M of 2006

DATE OF DECISION : 01.12.2006

Anshuman Ahluwalia and others

.... PETITIONERS

Versus

State of U.T., Chandigarh and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. K.S. Ahluwalia, Advocate,
for the petitioners.

Ms. Meenakshi Dogra, Advocate,
for U.T. Chandigarh.

Ms. Savita Saxena, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 156 dated 30.6.2005 registered at Police Station Sector 31, Chandigarh, under Sections 406/498-A IPC and Section 4 of the D.P. Act, on the basis of compromise effected between the parties.

In pursuance of the notice issued by this Court, respondent No.2-complainant has appeared and she has made the following statement :-

> "My marriage with Anshuman Ahluwalia-petitioenr No.1 was performed on 3.2.2005. After the marriage, due to the harassment caused to me by my husband and his other family members, I was compelled to lodge FIR No. 156 dated 30.6.2005 registered at Police Station Sector 31, Chandigarh, under Sections 406/498-A IPC and Section 4 of the D.P. Act.

> During the pendency of the case, with the intervention of the respectables and other family members, we arrived at a compromise and decided to dissolve the marriage. On a petition filed by me and my husband, decree of divorce by mutual consent has been passed by the Court of District Judge, Chandigarh on 17.11.2006. I place on record copy of the said decree. As per the compromise, I have already received a sum of Rs. 5.75 lacs and today, I have received Rs. 1.25 lacs in court. Now, nothing is due against the petitioners. I have no objection if the aforesaid FIR is quashed."

The aforesaid statement of the complainant has been counter-signed by her counsel.

I have heard the arguments of learned counsel for the parties.

Keeping in view the aforesaid statement made by respondent No.2-complainant and the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be futile because respondent No.2-complainant is not going to support the prosecution case. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2-complainant, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 156 dated 30.6.2005 registered at Police Station Sector 31, Chandigarh, under Sections 406/498-A IPC and Section 4 of the D.P. Act and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

December 01, 2006 **(SATISH KUMAR MITTAL)**

ndj **JUDGE**